

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ACE AMERICAN INSURANCE
COMPANY, AS SUBROGEE OF SW
GAMING, LLC, D/B/A HARLOW'S
CASINO AND RESORT,

Plaintiff,

v.

Cause No.: 4:11-CV-146-SA-JMV

E. CORNELL MALONE CORPORATION
D/B/A MALONE ROOFING, LLC; PAUL
GERALD FOOTE, IN HIS INDIVIDUAL
CAPACITY; PAUL GERALD FOOTE
D/B/A P. GERALD FOOTE &
ASSOCIATES; KBA INCORPORATED;
AND ADVANCED ROOFING SYSTEMS,

Defendants.

E. CORNELL MALONE CORPORATION
D/B/A MALONE ROOFING, LLC,

Third-Party Plaintiff,

v.

SHAKER CONSTRUCTION GROUP, LLC

Third-Party Defendant

ORDER OF DISMISSAL

The present matter is before the Court upon an ore tenus motion of the parties.
Plaintiff, ACE American Insurance Company, as Subrogee of SW Gaming, LLC, d/b/a
Harlow's Casino and Resort, filed A Stipulation of Dismissal With Prejudice as to all

claims against E.Cornell Malone Corporation d/b/a Malone Roofing, LLC, on December 28, 2012. Plaintiff, ACE American Insurance Company, as Subrogee of SW Gaming, LLC, d/b/a Harlow's Casino and Resort, filed a Stipulation of Dismissal With Prejudice as to all claims against Paul Gerald Foote, in his Individual Capacity, Paul Gerald Foote d/b/a P. Gerald Foote & Associates; KBA Incorporated; and Advanced Roofing Systems, on January 19, 2013. Third-Party Plaintiff, E.Cornell Malone Corporation d/b/a Malone Roofing, LLC, filed a Stipulation of Dismissal Without Prejudice as to all claims against Third-Party Defendant, Shaker Construction Group, LLC, on April 8, 2013. Plaintiff, ACE American Insurance Company, as Subrogee of SW Gaming, LLC, d/b/a Harlow's Casino and Resort, filed a Stipulation of Dismissal Without Prejudice as to all claims against Advanced Roofing Systems on April 19, 2013. There are no remaining claims pending against any party.

It is, therefore, Ordered that all claims against E.Cornell Malone Corporation d/b/a Malone Roofing, LLC, Paul Gerald Foote, in his Individual Capacity, Paul Gerald Foote d/b/a P. Gerald Foote & Associates; and KBA Incorporated are DISMISSED with prejudice. It is further Ordered that all claims against Shaker Construction Group, LLC and Advanced Roofing Systems are DISMISSED without prejudice.

SO ORDERED, this the 23rd day of April, 2013.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE